

FINDING OF EMERGENCY

The State Board of Education (SBE) finds that an emergency exists and that the adoption of emergency regulations for the administration, scoring, and reporting of locally adopted pre-post assessment instruments for use as indicators in the Alternative Schools Accountability Model (ASAM) are now necessary for the immediate preservation of the public peace, health and safety, or general welfare. These regulations are required to allow the ASAM schools that selected locally adopted pre-post assessments as an accountability indicator to administer these instruments for the 2003-2004 school year. Year-round ASAM schools will begin their school year on July 1, 2003 and require regulations in order begin using the instruments at that time.

SPECIFIC FACTS SHOWING THE NEED FOR IMMEDIATE ACTION

The Public Schools Accountability Act (PSAA) of 1999, SB 1X, Chapter 3, Statutes of 1999 [Article 2, Section 52052 (g)] requires that all schools be held accountable through the state's accountability system. The ASAM provides a critical measure of accountability for alternative schools with insufficient data to be held accountable under California's main accountability system. To be fully functional, the ASAM requires its schools to be able to measure student performance using pre-post assessment instruments. If regulations are not put in place immediately, the pre-post assessment instruments will not be available as ASAM indicators for the coming school year, and implementation of the fully functional accountability system for alternative schools in California will be delayed a full academic year.

The regulations for administration, scoring, and reporting the pre-post assessment indicators could not be developed earlier for several reasons. The SBE required that California Department of Education (CDE) carry out a rigorous review process before the pre-post assessment instruments could be approved for use in the ASAM. This process, in turn, depended on securing necessary funding and a contractor prior to completing the review process in Fall 2002. The SBE approved four pre-post assessment instruments in November 2002 and directed CDE to contact additional publishers and the publishers of instruments that had provided insufficient information to request additional submissions for a second review process. Following the second review, the SBE approved four additional pre-post assessment instruments in February 2003. CDE then developed guidelines for administering and reporting the pre-post assessments and the SBE approved the guidelines conditionally in May 2003 pending the development and adoption of regulations.

It is imperative that these regulations be finalized through the emergency regulation process so that schools can begin using the pre-post assessment instruments as ASAM indicators for the 2003-2004 school year. Specifically, year-round ASAM schools will begin their school year on July 1, 2003 and need regulations to guide the administration and reporting of the instruments from the beginning of their school year.

Authority and Reference

Authority: Section 33031, Education Code.

Reference: Section 52052, Education Code.

Informative Digest

The Public Schools Accountability Act (PSAA) of 1999, SB 1X, Chapter 3, Statutes of 1999 [Article 2, Section 52052 (g)] required that by... *July 1, 2000 the Superintendent of Public Instruction, with the approval of the State Board of Education, shall develop an alternative accountability system for schools with fewer than 100 pupils, and for schools under the jurisdiction of a county board of education or a county superintendent of schools, community day schools, and alternative schools, including continuation high schools and independent*

study schools. The SBE approved the framework for the Alternative Schools Accountability Model (ASAM) developed by the PSAA Advisory Committee in July 2000.

More than 1,100 alternative schools currently participate in the ASAM. They include schools defined in law such as continuation schools, community day schools, county juvenile court schools, county community schools, California Youth Authority schools, and opportunity schools; as well as other alternative schools. Schools in the ASAM enroll high-risk students at the elementary, middle, and high school levels. Accountability that accurately reflects the growth of students enrolled in these schools must be based on multiple indicators of progress reflecting academic performance as well as other aspects of growth. Moreover, it must be based on data for students enrolled for a minimum period required for consistent delivery of instruction and must reflect the progress of those students during the time they are enrolled in the school.

Students in ASAM schools typically function far below grade-level standards. They also show extremely high levels of mobility, moving in and out of programs and schools on a routine basis. Pre-post assessment instruments are viewed as extremely valuable indicators of academic growth for these students because they can be sensitive to gains during their typically short enrollment periods.

Regulations to guide the administration and reporting of the pre-post assessment instruments must be adopted on an emergency basis so that schools registered in the ASAM can adopt and use the instruments as indicators of achievement throughout the 2003-2004 school year.

Mandate on Local Agencies or School Districts

The SBE has determined that Sections 1068 – 1074 do not impose a mandate on local agencies or school districts.

Cost Estimate

The SBE has determined that the regulation will involve no cost or savings to any State agency, no nondiscretionary costs or savings to local agencies or school districts, no reimbursable costs or savings to local agencies or school districts under Section 17561 of the Government Code, and no costs or savings in federal funding to the State.